

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27316 of 2005

Date:30.12.2005

Between:

Smt.S.Pushpamma and another

-----PETITIONERS

AND

The University of Hyderabad

-----RESPONDENT

ORDER:

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The petitioners are the owners of an extent of Acs.25.16 guntas of land in Sy.Nos14,16,17,18,19,20,21,22 and 23 of Kancha Gachibowli, Serilingampally Mandal, Ranga Reddy District. For some time, it was under occupation of the respondent-University. The petitioners filed O.S.No.609 of 1979 in the Court of the Additional District Judge, Ranga Reddy District, which was renumbered as O.S.No.183 of 1982; for the relief of declaration of title and recovery of possession. The suit is said to have been decreed on 19.02.1994. A.S.No.1054 of 1994 was filed against it, by the University, before this Court, and was dismissed on 17.11.2001. Ultimately, through E.P.No.11 of 2002, the petitioners secured the possession of the land.

The land of the petitioners is said to be in the middle of the campus of the University. There emerged a proposal between the petitioners and the respondent for exchange of this land for another extent of Acs.12.17 guntas, which is situated abutting the

Sports Stadium.

The proposals proceeded to a substantial extent and the respondent agreed in principle. Accordingly, it addressed a letter, dated 09.01.2004, to the Government, to accord its approval. The petitioners state that the matter did not proceed further and seek appropriate directions in this regard, lest the uncertainty continues further.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

Basically, the scope of interference in the matter of this nature is very limited. Exchange of the land between two individuals or agencies, is purely a matter of discretion and there is no scope for it to be guided by any statutory provisions. Be that as it may, the respondent herein agreed to the exchange of the land of the petitioners of an extent of Acs.25.16 guntas for their land of Acs.12.17 guntas. The grievance of the petitioners as regards the uncertainty can certainly be understood. Had the matter been pending, this Court, certainly, would have issued necessary directions to finalise it, so that the uncertainty can come to an end.

The learned standing counsel for the respondent has placed before this Court the copy of the letter, dated 20.12.2005, addressed by the Special Chief Secretary to Government, through which, the proposal submitted by the respondent was rejected. In that view of the matter, no directions can be issued in this regard. If the petitioners have any problems in the matter of enjoying the land in question, they have to work out their remedies in the Civil Court.

The writ petition is accordingly disposed of. There shall be no order as to costs.

30.12.2005

kdI